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SIPDIS

STATE FOR CA/OCS/CI

E.O. 12958: N/A

TAGS: [CVIS](#) [CASC](#) [CMGT](#) [BX](#)

SUBJECT: INTERCOUNTRY ADOPTION - BRUNEI

¶1. (U) Below please find post's submission for the Intercountry Adoption Flyer for Brunei. We have adhered as closely as possible to the model text provided by CA/OCS/CI. Post would like to acknowledge and thank John Groch from Embassy Singapore for his valuable support in drafting this message. Given post's limited CONS resources and the extremely low demand for this information, we will only update this flyer should there be a significant change in adoption law or regulations in Brunei.

¶2. (U) BEGIN ADOPTION FLYER TEXT:

DISCLAIMER: The following is intended as a very general guide to assist U.S. citizens who plan to adopt a child from a foreign country and apply for an immigrant visa for the child to come to the United States. Two sets of laws are particularly relevant: 1) the laws of the child's country of birth govern all activity in that country including the adoptability of individual children as well as the adoption of children in country in general; and 2) U.S. immigration law governs the immigration of the child to the United States.

The information in this flyer relating to the legal requirements of specific foreign countries is based on public sources and our current understanding. It does not necessarily reflect the actual state of the laws of a child's country of birth and is provided for general information only. Moreover, U.S. immigration law, including regulations and interpretation, changes from time to time. This flyer reflects our current understanding of the law as of this date and is not legally authoritative. Questions involving foreign and U.S. immigration laws and legal interpretation should be addressed respectively to qualified foreign or U.S. legal counsel.

INTRODUCTION: Brunei has a zero-tolerance policy on child abandonment, and has no orphanages. The royal family, particularly the Sultan's female siblings, often adopts children from less fortunate families or the few children who have been abandoned. Out-of-wedlock births generally lead to adoption by a family member of the mother. To the best of local authorities' knowledge, there has never been a foreign adoption of a Brunei citizen child; adoptions of non-citizen Brunei children are possible.

PATTERNS OF IMMIGRATION OF ADOPTED ORPHANS TO THE U.S.: There has been no immigration of adopted children to the U.S. from Brunei in the past decade.

ADOPTION AUTHORITY IN BRUNEI: The Department of Community Development section of the Ministry of Culture, Youth, and Sport is the competent authority for local and international adoptions in Brunei.

The Department oversees two separate adoption processes: the Islamic Adoption of Children Order 2001, through Jabatan Mahkamah Syariah (Islamic Court for Muslims) and the non-Muslim adoption of children through the Brunei High Court.

ELIGIBILITY REQUIREMENTS FOR ADOPTIVE PARENTS: Persons wanting to adopt a child must themselves identify the child to be adopted. Childless married couples are given top priority to adopt a child. Single men or women are also allowed to adopt, but are required to adopt a child of the same sex. At least one of the prospective

parents is required to be of twenty-five (25) years old at the time of the application; additionally, at least one of the prospective parents is required to be eighteen (18) years older than the child to be adopted. Muslim prospective parents may adopt non-Muslim children, but non-Muslim prospective parents may not adopt Muslim children.

RESIDENCY REQUIREMENTS: In addition to the regular requirements for adoption, U.S. citizens interested in adopting a Brunei child while they are living in the living Brunei or in the U.S. must meet the following conditions:

- a) Be resident in the Brunei or in the U.S. prior to the filing of the adoption petition and maintain such residence until the adoption decree is entered by a Jabatan Mahkamah Syariah (Islamic Court for Muslims) or Brunei High Court (for non-Muslim);
- b) If the prospective parent(s) reside in the United States, all documents must be authenticated or verified by the Brunei Embassy or one of the Brunei consulates in the U.S.
- c) Possess a certification of legal capacity to adopt issued by appropriate government agency from your state of residence.

TIME FRAME: Once a child is identified for adoption, the time to approval is approximately 2-3 months.

ADOPTION AGENCIES AND ATTORNEYS: Prospective adoptive parents are advised to fully research any adoption agency or facilitator they plan to use for adoption services. For U.S.-based agencies, it is suggested that prospective adoptive parents contact the Better Business Bureau and/or the licensing office of the appropriate state government agency in the U.S. state where the agency is located or licensed.

Please see

<http://travel.state.gov/family/>

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[adoption_resources_05.html](#)

at the Department of State Bureau of Consular Affairs web site [travel.state.gov](#).

ADOPTION PROCEDURES: If prospective adoptive parent(s) have identified a Muslim child to be adopted, they must go to Jabatan Mahkamah Syariah and get a form entitled Perintah Pengangkatan Kanak-Kanak Dalam Islam, 2001, Jadual Bab [2]; if they have identified a non-Muslim child to be adopted, they must go to the Brunei High Court at Bandar Seri Begawan and get a form entitled Registration of Adoption Act, Chapter 123. In either case, they must submit their approval letter to adopt a child (MMS/91), letter of consent from child's biological parent(s), Statutory Declaration of agreement between the biological and prospective adoptive parent(s), photocopied passport of the adopted child, birth certificate of the adopted child, marriage certificate of the adopted child's parents.

The completed Jadual Bab [2]s, Islamic Adoption of Children Order 2001 (for Muslim) or Brunei High Court, Registration of Adoption Act, Chapter 123 (for non-Muslim) is forwarded by the appropriate court to the Department of Community Development. Social workers of the Department of Community Development then investigate the prospective adoptive parents, and their report is analyzed during a monthly meeting attended by senior officers of Families section of the Department of Community Development as well as by the social workers who prepared the report. The completed forms of the successful applicants are returned back to Jabatan Mahkamah Syariah or to Brunei High Court with the written memorandum; the officers in charge of child adoption in Jabatan Mahkamah Syariah or Brunei High Court, Registrar General then grants adoption certificates to successful adopted parents. Unsuccessful applicants' forms are also returned to Jabatan Mahkamah Syariah or Brunei High Court and the reasons for their unsuccessful applications are noted in the forms.

DOCUMENTS REQUIRED FOR ADOPTION IN COUNTRY: Prospective adoptive parents are required to submit: photocopied identity cards; certificate of marriage (if applicable); physical and medical evaluation reports; psychological evaluation by a duly licensed psychiatrist or psychologist; name of a character reference who has

known the prospective parent(s) for at least five years; and salary slips. Prospective adoptive parents must demonstrate that they are financially solvent and have no criminal record.

AUTHENTICATING U.S. DOCUMENTS TO BE USED ABROAD: The language describing the process of authenticating U.S. documents to be used abroad is currently under review. Please click on the following link for more information until the new language is finalized:
http://www.travel.state.gov/law/info/judicial/judicial_701.html.

COUNTRY OF ORIGIN EMBASSY AND CONSULATE IN THE US:

Embassy of Brunei Darussalam
3520 International Court, NW
Washington D.C. 20008
Tel: (202) 237-1838
Fax: (202) 885-0560

U.S. IMMIGRATION REQUIREMENTS: Prospective adoptive parents are strongly encouraged to consult USCIS publication M-249, The Immigration of Adopted and Prospective Adoptive Children, as well as the Department of State publication, International Adoptions. The USCIS publication is available at the USCIS web site. The Department of State publication International Adoption can be found on the bureau of Consular Affairs web site, travel.state.gov, under intercountry adoption. Before completing an adoption abroad, prospective adoptive parents are strongly encouraged to read the requirements for filing Form I-600, Petition to Classify Orphan as an Immediate Relative. Please see the flyer "How Can Adopted Children Come to the United States" at the U.S. Department of State, Bureau of Consular Affairs web site travel.state.gov.

U.S. EMBASSY IN COUNTRY: Americans living or traveling abroad are encouraged to register with the nearest U.S. Embassy or Consulate through the State Department's travel registration website, <https://travelregistration.state.gov/>, and to obtain updated information on travel and security within the country of travel. Americans without Internet access may register directly with the nearest U.S. Embassy or Consulate. By registering, American citizens make it easier for the Embassy or Consulate to contact them in case of emergency.

The Consular Section is located at:
Embassy of the United States of America
Consular Section
3rd Floor Teck Guan Plaza
Jalan Sultan
Bandar Seri Begawan BS8811
Brunei Darussalam

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APPLYING FOR A VISA AT THE U.S. EMBASSY IN BRUNEI: The U.S. Embassy in Brunei does not issue immigrant visas. Immigrant visas for citizens or non-citizen residents of Brunei are processed in Singapore or Kuala Lumpur.

ACQUIRING U.S. CITIZENSHIP: The language describing the acquisition of U.S. citizenship for adopted children is currently under review. Until the new language is finalized, please click on the following link for further information: http://travel.state.gov/family/adoption/info/info_457.html.

ADDITIONAL INFORMATION: Specific questions about adoption in Brunei may be addressed to;
Embassy of the United States of America
Consular Section
3rd Floor Teck Guan Plaza
Jalan Sultan
Bandar Seri Begawan BS8811
Brunei Darussalam

General questions regarding intercountry adoption may be addressed to the Office of Children's Issues, U.S. Department of State, CA/OCS/CI, SA-29, 4th Floor, 2201 C Street, NW, Washington, D.C. 20520-4818, toll-free Tel: 1-888-407-4747.

Other Useful Information

Telephone:

-- Toll Free - For information on intercountry adoption and international parental child abduction, call Overseas Citizens Services at 1-888-407-4747. This number is available from 8:00 a.m. to 8:00 p.m. Eastern Standard Time, Monday through Friday (except U.S. federal holidays). Callers who are unable to use toll-free numbers, such as those calling from overseas, may obtain information and assistance during these hours by calling 1-202-501-4444.

-- U.S. Department of State Visa Office - recorded information concerning immigrant visas for adopting children, (202) 663-1225.
-- U.S. Citizenship and Immigration Services - recorded information for requesting immigrant visa application forms, 1-800-870-FORM (3676).

Internet

-- Adoption Information Flyers: The U.S. Department of State, Bureau of Consular Affairs web site at: <http://travel.state.gov/> contains intercountry adoption information flyers like this one and the International Adoptions brochure.

-- Consular Information Sheets: The State Department has general information about hiring a foreign attorney and authenticating documents that may supplement the country-specific information provided in this flyer. In addition, the State Department publishes Consular Information Sheets (CIS's) for every country in the world, providing information such as location of the U.S. Embassy, health conditions, political situations, and crime reports. If the situation in a country poses a specific threat to the safety and security of American citizens that is not addressed in the CIS for that country, the State Department may issue a Public Announcement alerting U.S. citizens to local security situations. If conditions in a country are sufficiently serious, the State Department may issue a Travel Warning recommending that U.S. citizens avoid traveling to that country. These documents are available on the Internet at: <http://travel.state.gov/> or by calling the State Department's Office of Overseas Citizen Services Toll Free at 1-888-407-4747. This number is available from 8:00 a.m. to 8:00 p.m. Eastern Time, Monday through Friday (except U.S. federal holidays). Callers who are unable to use toll-free numbers, such as those calling from overseas, may obtain information and assistance during these hours by calling 1-202-501-4444.

-- USCIS web site - <http://uscis.gov/>.

END ADOPTION FLYER TEXT.

FRIEDMAN